

REMARKS

Claims 1-6, 8-15, and 17-23 are all the claims pending in the present application. Claims 1-6, 8-11, 13-15, and 21 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Louis et al. (U.S. Patent No. 6,088,023). Claims 22 and 23 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Louis in view of Wambach et al. (U.S. Patent No. 6,097,369). Claims 12 and 17-20 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Louis in view of Mallet et al. (U.S. Patent No. 6,292,174).

§ 102(b) Rejections (Louis) - Claims 1-6, 8-11, 13-15, and 21

The Examiner rejects claims 1-6, 8-11, 13-15, and 21 based on the same reasons set forth in the previous Office Action. The Examiner adds new arguments in the *Response to Arguments* section of the Office Action. Specifically, the Examiner alleges:

Applicants argue that Louis does not disclose or suggest “wherein said pointer comprises a sensor which determines the users motion” because the Applicant interprets the movement of the screen of Louis as requiring someone or something touching the input surface of Louis to create movement of the window (See argument, page 9, para 4, lines 1-5).

The Examiner disagrees.

In response to Applicants’ argument that the references fail to show certain features of Applicants’ invention, it is noted that the features upon which Applicant relies (i.e., that the movement of the pointing screen does not require a user to touch an input surface) and/is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In this case, the pointer as amended is attached to a mouse input device that controls a pointer. As in conventional means, the mouse is linked to a pointer on the screen (see Figs. 9a and 9b) and when the user moves the mouse the window is moved. Louis teaches that the function as shown is for the expressed purpose of moving the graphics window. The mouse contains sensors that monitor the users movement (see also col. 9, lines 20-31).

In response, Applicants submit that it was not Applicants' position that the movement of the pointing screen in the claimed invention does not require a user to touch an input surface. Therefore, Applicants submit that Applicants were not relying on this particular feature as interpreted by the Examiner. Thus, Applicants respectfully submit that the Examiner's interpretation of Applicants' argument in this regard is inaccurate.

With respect to independent claim 1, Applicants submit that Louis does not disclose or suggest at least, "wherein said pointer points directly at the pointing screen," as recited in amended claim 1. Nowhere does Louis disclose or suggest this particular feature.

Applicants similarly amend claim 21 and submit that this claim is patentable at least based on reasons similar to those set forth above with respect to claim 1.

Applicants submit that dependent claims 2-6, 8-11 and 13-15 are patentable at least by virtue of their ultimate dependencies from independent claim 1.

With respect to dependent claim 11, Applicants previously argued that Louis does not disclose or suggest, at least "wherein in step (a), a speed of movement of the pointing screen is set," as recited in claim 11. There is no disclosure or suggestion of setting a speed of movement of the pointing screen in Louis. Setting a cursor speed is not the same as setting the speed of movement of a pointing screen. In response, the Examiner alleges:

In response to Applicants' argument that the cursor control of Louis does not teach a process of controlling the speed at which a pointing screen can be moved, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, Louis teaches movement of windows and controlling the speed at which windows can be moved and setting the movement of windows. The pointing screen is a window and

therefore the structure of Louis teaches a process of setting all window movement speeds.

In response, Applicants submit that claim 11 is a method claim, in which the operation of step (a) is qualified by stating that in step (a), a speed of movement of the pointing screen is set. There is no requirement to structurally distinguish the feature of claim 11 from the teaching of Louis, as claim 11 does not recite an apparatus with specific structural features. Applicants' specific arguments with respect to claim 11 is that Louis does not disclose or suggest the specific qualified operation of step (a), as recited in claim 11.

Yet further Applicants submit that Louis does not disclose or suggest at least, "wherein at least one of steps (a), (c), and (d) is performed by a user's motion in at least one direction selected from up, down, forward, backward, to the left, and to the right," as recited in claim 1.

§ 103(a) Rejections (Louis/Wambach) - Claims 22 and 23

Applicants submit that dependent claims 22 and 23 are patentable at least by virtue of their dependencies from independent claim 1. Wambach does not make up for the deficiencies of Louis.

Further, with respect to claims 22 and 23, Applicants previously argued that the applied references, either alone or in combination, do not disclose or suggest at least, "wherein said sensor comprises at least a fixed member disposed on one segment of a finger and a moving member disposed on another segment of said finger," and "wherein said access, said fixed member, and said moving member constitute the same device," as recited in claims 22 and 23, respectively. Yet further, Applicants argued that the Examiner obviously utilized impermissible hindsight reasoning in determining that the specific features of these claims are satisfied simply based on a single sentence that motion sensing devices are located on a finger. In response, the Examiner alleges:

In response to Applicants' argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from Applicants' disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, a general teaching or any teaching with the suggestion that a variety of switches can be placed on one finger to control the movement of the cursor as discussed in Wambach where switch 12 and 14 detect lateral wrist movement could detect lateral finger movement. Switch 16 contains two switches that detect movement upward and downward when movement extends in a direction from a plane past a certain threshold. Therefore, the skilled artisan would interpret the lateral switches 12 and 14 as a fixed member and the switch 16 as a movement member switch because Wambach discloses an embodiment where the switches can be placed on one finger.

In response, Applicants submit that the features of claims 22 and 23 are still not satisfied by the combination of Louis and Wambach, as the Examiner interprets the lateral switches 12 and 14 (located at the wrist of the glove of Fig. 2B) as corresponding to the claimed fixed member. However, the fixed member, as set forth in claims 22 and 23, are disposed on one segment of a finger; on the other hand, the switches 12 and 14 in Wambach are not disposed on a finger at all. Therefore, since the claimed features of the present invention, as recited in claims 22 and 23, are not satisfied by the combination of Louis and Wambach, Applicants submit that claims 22 and 23 are patentably distinguishable over the applied references, either alone or in combination.

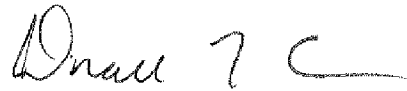
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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